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DEPARTMENT OF EDUCATION

34 CFR Chapter VI

[Docket ID ED-2015-OPE-0134]

Final Priorities and Definitions--Fulbright-Hays Group  
Projects Abroad Program--Short-Term Projects and Long-Term  
Projects

[Catalog of Federal Domestic Assistance (CFDA) Number:  
84.021A and 84.021B.]

AGENCY: Office of Postsecondary Education, Department of  
Education.

ACTION: Final priorities and definitions.

SUMMARY: The Assistant Secretary for Postsecondary  
Education announces priorities and definitions for the  
Fulbright-Hays Group Projects Abroad (GPA) Program. The  
Assistant Secretary may use these priorities and  
definitions for competitions in fiscal year (FY) 2016 and  
later years. We intend the priorities and definitions to  
address a gap in the types of institutions, faculty, and  
students that have historically benefitted from  
international education opportunities.

DATES: These priorities and definitions are effective  
[INSERT DATE 30 DAYS AFTER DATE OF PUBLICATION IN THE  
FEDERAL REGISTER].

FOR FURTHER INFORMATION CONTACT: Reha Mallory, U.S.  
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by email: Reha.Mallory@ed.gov.

If you use a telecommunications device for the deaf  
(TDD) or a text telephone (TTY), call the Federal Relay  
Service (FRS), toll free, at 1-800-877-8339.

SUPPLEMENTARY INFORMATION:

Purpose of Program: The Fulbright-Hays GPA Program  
supports short-term and long-term overseas projects in  
training, research, and curriculum development in modern  
foreign languages and area studies for groups of teachers,  
undergraduate and graduate students, and faculty engaged in  
a common endeavor. Fulbright-Hays GPA short-term projects  
(GPA short-term projects) may include seminars, curriculum  
development, or group research or study. Fulbright-Hays  
GPA long-term projects (GPA long-term projects) support  
advanced overseas intensive programs that focus on the  
humanities, social sciences, or languages.

Program Authority: 22 U.S.C. 2452(b)(6).

Applicable Program Regulations: 34 CFR part 662 and 664.

We published a notice of proposed priorities and  
definitions for this program in the Federal Register on  
March 10, 2016 (81 FR 12622). That notice contained

background information and our reasons for proposing the particular priorities.

There are no differences between the proposed priorities and definitions and these final priorities and definitions.

Public Comment: In response to our invitation in the notice of proposed priorities and definitions, we did not receive any comments on the proposed priorities and definitions.

FINAL PRIORITIES:

Priority 1--Applications for GPA Short-Term Projects from Selected Institutions and Organizations.

Applications for GPA short-term projects from the following types of institutions and organizations:

- o Minority-Serving Institutions (MSIs)
- o Community colleges
- o New applicants
- o State educational agencies (SEAs)

Priority 2--Applications for GPA Long-Term Projects from Minority-Serving Institutions (MSIs).

Applications for GPA long-term advanced overseas intensive language training projects from MSIs.

Types of Priorities:

When inviting applications for a competition using one or more priorities, we designate the type of each priority as absolute, competitive preference, or invitational through a notice in the Federal Register. The effect of each type of priority follows:

Absolute priority: Under an absolute priority, we consider only applications that meet the priority (34 CFR 75.105(c)(3)).

Competitive preference priority: Under a competitive preference priority, we give competitive preference to an application by (1) awarding additional points, depending on the extent to which the application meets the priority (34 CFR 75.105(c)(2)(i)); or (2) selecting an application that meets the priority over an application of comparable merit that does not meet the priority (34 CFR 75.105(c)(2)(ii)).

Invitational priority: Under an invitational priority, we are particularly interested in applications that meet the priority. However, we do not give an application that meets the priority a preference over other applications (34 CFR 75.105(c)(1)).

#### FINAL DEFINITIONS:

The Assistant Secretary for Postsecondary Education establishes the following definitions for this program. We

may apply one or more of these definitions in any year in which this program is in effect.

Minority-serving institution (MSI) means an institution that is eligible to receive assistance under sections 316 through 320 of part A of title III, under part B of title III, or under title V of the Higher Education Act of 1965, as amended (HEA).

Community college means an institution that meets the definition in section 312(f) of the Higher Education Act of 1965, as amended, (HEA) (20 U.S.C. 1058(f)); or an institution of higher education (as defined in section 101 of the HEA (20 U.S.C. 1001)) that awards degrees and certificates, more than 50 percent of which are not bachelor's degrees (or an equivalent).

New applicant means any applicant that has not received a discretionary grant from the Department of Education under the Fulbright-Hays Act prior to the deadline date for applications under this program.

State educational agency (SEA) means the State board of education or other agency or officer primarily responsible for the supervision of public elementary and secondary schools in a State. In the absence of this officer or agency, it is an officer or agency designated by the Governor or State law.

This notice does not preclude us from proposing additional priorities, requirements, definitions, or selection criteria, subject to meeting applicable rulemaking requirements.

Note: This notice does not solicit applications. In any year in which we choose to use one or more of these priorities and definitions, we invite applications through a notice in the Federal Register.

Executive Orders 12866 and 13563

Regulatory Impact Analysis

Under Executive Order 12866, the Secretary must determine whether this regulatory action is "significant" and, therefore, subject to the requirements of the Executive order and subject to review by the Office of Management and Budget (OMB). Section 3(f) of Executive Order 12866 defines a "significant regulatory action" as an action likely to result in a rule that may--

(1) Have an annual effect on the economy of \$100 million or more, or adversely affect a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities in a material way (also referred to as an "economically significant" rule);

(2) Create serious inconsistency or otherwise interfere with an action taken or planned by another agency;

(3) Materially alter the budgetary impacts of entitlement grants, user fees, or loan programs or the rights and obligations of recipients thereof; or

(4) Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles stated in the Executive order.

This final regulatory action is not a significant regulatory action subject to review by OMB under section 3(f) of Executive Order 12866.

We have also reviewed this final regulatory action under Executive Order 13563, which supplements and explicitly reaffirms the principles, structures, and definitions governing regulatory review established in Executive Order 12866. To the extent permitted by law, Executive Order 13563 requires that an agency--

(1) Propose or adopt regulations only upon a reasoned determination that their benefits justify their costs (recognizing that some benefits and costs are difficult to quantify);

(2) Tailor its regulations to impose the least burden on society, consistent with obtaining regulatory objectives

and taking into account--among other things and to the extent practicable--the costs of cumulative regulations;

(3) In choosing among alternative regulatory approaches, select those approaches that maximize net benefits (including potential economic, environmental, public health and safety, and other advantages; distributive impacts; and equity);

(4) To the extent feasible, specify performance objectives, rather than the behavior or manner of compliance a regulated entity must adopt; and

(5) Identify and assess available alternatives to direct regulation, including economic incentives--such as user fees or marketable permits--to encourage the desired behavior, or provide information that enables the public to make choices.

Executive Order 13563 also requires an agency "to use the best available techniques to quantify anticipated present and future benefits and costs as accurately as possible." The Office of Information and Regulatory Affairs of OMB has emphasized that these techniques may include "identifying changing future compliance costs that might result from technological innovation or anticipated behavioral changes."



We are issuing these final priorities and final definitions only on a reasoned determination that their benefits justify their costs. In choosing among alternative regulatory approaches, we selected those approaches that maximize net benefits. Based on the analysis that follows, the Department believes that this regulatory action is consistent with the principles in Executive Order 13563.

We also have determined that this regulatory action does not unduly interfere with State, local, and tribal governments in the exercise of their governmental functions.

In accordance with both Executive orders, the Department has assessed the potential costs and benefits, both quantitative and qualitative, of this regulatory action. The potential costs are those resulting from statutory requirements and those we have determined as necessary for administering the Department's programs and activities.

Intergovernmental Review: This program is subject to Executive Order 12372 and the regulations in 34 CFR part 79. One of the objectives of the Executive order is to foster an intergovernmental partnership and a strengthened federalism. The Executive order relies on processes

developed by State and local governments for coordination and review of proposed Federal financial assistance.

This document provides early notification of our specific plans and actions for this program.

Accessible Format: Individuals with disabilities can obtain this document in an accessible format (e.g., braille, large print, audiotape, or compact disc) on request to the program contact person listed under FOR FURTHER INFORMATION CONTACT.

Electronic Access to This Document: The official version of this document is the document published in the Federal Register. Free Internet access to the official edition of the Federal Register and the Code of Federal Regulations is available via the Federal Digital System at: [www.gpo.gov/fdsys](http://www.gpo.gov/fdsys). At this site you can view this document, as well as all other documents of this Department published in the Federal Register, in text or Adobe Portable Document Format (PDF). To use PDF you must have Adobe Acrobat Reader, which is available free at the site.

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Dated: June 13, 2016

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Lynn B. Mahaffie,  
Deputy Assistant Secretary for  
Policy, Planning, and Innovation,  
Delegated the Duties of the  
Assistant Secretary for  
Postsecondary Education.

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